IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 7377 of 1995

Between:

Muduganti Kesaramma, D/o Govinda Reddy, R/o Vilaasagar village, Boinapally Mandal, Karimnagar District, through G.P.A. Holder k. Sri Hari Reddy, S/o Gopal Reddy, R/o Marlapet village, H/o Vilaasagar village, Boinapally Mandal, Karimnagar District.

..... PETITIONER

AND

1 The Joint Collector, Karimnagar District, Karimnagar.
2 The Revenue Divisaional Officer, Jagityal Revenue Division, Karimnagar District.
3 TheMandal Revenue Officer, Boinpally Mandal, Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially one in the nature of writ of mandamus, directing the respondents to incorporate the petitioner's name in respect of land in Sy.Nos.43/A, 174 and 829 in the Pahanies from the year 1983-84 onwards by implementing the judgement dt: 28-1-1991 in proceedings No.B4/4824/90 on the file of the Assistant Collector, Jagityal and consequently declaring the action in not rectifying the entries by incorporating the petitioner's name in respect of the above said land by the respondent No.3 herein as illegal, void and without jurisdiction.

For the Petitioner: MR. L. PRABHAKAR REDDY, Advocate.

For the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

In this writ petition, the petitioner seeks a direction to the respondents to incorporate her name in the pahanies from the year
1983-84 onwards in respect of the lands in survey Nos.43/A, 174 and 829 of Vilaasagar village, Boinpally Mandal of Karimnagar District, in pursuance of the order of the Assistant Collector, Jagityal in proceedings No.B4/4824/90, dated 28-1-1991.

The petitioner claims to be owner and possessor of the lands in question by virtue of the succession granted in the year 1981-82 and implemented in Jamabandi records in 1981-82 by the Nazim-e-Jamabandi (Revenue Divisional Officer, Jagityal), and her name was entered in the revenue records including Pahani Patrikas for the year 1982-83 as pattadar and possessor. But, from the year 1983-84 onwards, the name of the petitioner was changed in the pattadar column of the pahanies. It is submitted that against the orders of the third respondent-Mandal Revenue Officer, dated 3-10-1990, she filed an appeal before the Assistant Collector, Jagityal of Karimnagar District, who by his order dated
28-1-1991 set aside the order of the third respondent herein and allowed the appeal of the petitioner. It is submitted that the said order of the Assistant Collector, Jagityal became final and no further appeal or revision has been preferred thereagainst. In spite of repeated representations made by the petitioner for rectifying the entries in the revenue records in respect of the lands in question, in pursuance of the order of the Assistant Collector, Jagityal, dated 28-1-1991, the respondents have not taken any steps in the matter. Assailing the impugned action of the respondents and seeking implementation of the order of the Assistant Collector, Jagityal, dated 28-1-1991, the petitioner filed the present writ petition.

Denying the allegations made in the affidavit filed in support of the writ petition, the third respondent filed counter affidavit on behalf of all the respondents. It is stated that for implementation of the order of the Assistant Collector, Jagityal, dated 28-1-1991, the Revenue Divisional Officer, Jagityal forwarded the same to the then Mandal Revenue Officer, Boinpally, who in turn, issued a memo, dated 23-6-1993 to the Village Administrative Officer concerned to change the entries in the relevant revenue records as per the order of the Assistant Collector, Jagityal. It is also stated that some third parties filed a revision petition before the District collector,

Karimnagar against the order of the Assistant Collector, Jagityal, dated 28-1-1991. It is submitted that since the revision petition is pending before the District Collector, Karimnagar, the Mandal Revenue Officer could not take any further action in the matter. Thus, the third respondent prays to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The writ petition was admitted in the year 1995. Thereafter, it underwent two adjournments. When the matter came up today, the learned counsel for the petitioner submitted that the revision petition filed before the District Collector, Karimnagar against the order of the Assistant Collector, Jagityal, dated 21-8-1991, was closed in view of the pendency of this writ petition. He sought a direction to the District Collector, Karimnagar to reopen the revision petition and hear the same on merits, after issuing notices to the parties therein including the petitioner herein, for which course the Government Pleader for Revenue agreed to, and submitted the particulars of the revision petition.

Having regard to the above submissions of the counsel for the petitioner and the Government Pleader for Revenue, the writ petition is disposed of in the following terms:

The District Collector, Karimnagar District, Karimnagar is directed to reopen the Revision Petition in file No.A5/20471/1992 filed by one Suddala Mysaiah and others, resident of Vilaasagar village, Boinpally Mandal of Karimnagar District, against the order passed by the Assistant Collector, Jagityal in file No.B/4824/1990, dated 28-1-1991, after issuing notices to the parties therein including the petitioner herein, and pass appropriate orders thereon in accordance with law. No costs.

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N.V. RAMANA, J

Date: 16-08-2004

Svv

To

1 The District Collector, Karimnagar District, Karimnagar.

2 The Joint Collector, Karimnagar District, Karimnagar.
3 The Revenue Divisaional Officer, Jagityal Revenue Division, Karimnagar District.
4 The Mandal Revenue Officer, Boinpally Mandal, Karimnagar District.

5 Two CCs. to Govt. Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT)

6 Two CD copies.